

PATENT



IFW
Attorney Docket No. A-72075/RMS/VEJ
Attorney Matter No. 469249-00405
Application No. 10/762,931

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David Louis HEINER et al.

Application No. **10/762,931**

Filed: **January 21, 2004**

For: **CHEMICAL REACTION MONITOR**

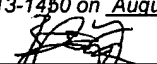
Art Unit: **1645**

Examiner: **To be assigned**

Docket No.: **A-72075/RMS/VEJ**

Certificate of Mail (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 24, 2004.


Brent Yonehara

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Commissioner for Patents
P.O. Box 1450
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INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449/PTO. Copies of all U.S. patents and U.S. published applications are not enclosed. See Notice of August 5, 2003, 1273 OG 1-14. Copies of the cited references are enclosed. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2).

Applicant submits that reference no. B1 is not in the English language and directs the Examiner's attention to the English language abstract of same enclosed herewith for a concise statement as to its relevance. 37 C.F.R. § 1.98(a)(3) and M.P.E.P. § 609(III)(A)(3).

Applicant certifies that the references listed on the enclosed substitute for form PTO-1449 marked with an asterisk (*) were first cited in an International Search Report dated July 16, 2004, for counterpart PCT application PCT/US2004/001646. A copy of the International Search Report for the counterpart PCT application is enclosed herewith. 37 C.F.R. §§ 1.97(c) and 1.97(e)(1).

Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material to patentability. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed within three months of the filing date of a national application other than a continued prosecution application, within three months of the date of entry of a national stage, before the mailing date of a first Office action on the merits, or before the mailing date of a first Office action after the filing date of request for continued examination. 37 C.F.R. § 1.97(b). No fee is required.

In accordance with M.P.E.P. §2001.06(b), the Examiner's attention is directed to co-pending U.S. Patent Application Nos.: 09/189,543, filed November 10, 1998; 09/344,526, filed June 24, 1999; 09/473,904, filed December 28, 1999; 09/493,741, filed January 28, 2000; 09/499,798, filed February 8, 2000; 09/553,993, filed April 20, 2000;

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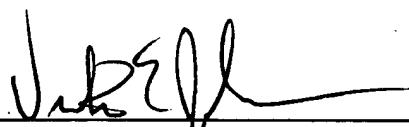
Attorney Docket No. A-72075/RMS/VEJ
Attorney Matter No. 469249-00405
Application No. 10/762,931

09/606,369, filed June 28, 2000; 09/636,387, filed August 9, 2000; 09/642,068, filed August 18, 2000; 09/748,706, filed December 22, 2000; 09/785,514, filed February 16, 2001; 09/881,052, filed June 13, 2001; 09/925,941, filed August 9, 2001; 09/979,236, filed November 20, 2001; 09/979,247, filed April 15, 2002; 09/990,890, filed November 21, 2001; 10/187,321, filed June 28, 2002; 10/194,912, filed July 12, 2002; 10/334,416, filed December 31, 2002; 10/352,779 filed January 27, 2003; 10/363,240, filed March 4, 2003; 10/651,568, filed August 29, 2003; 10/648,848, filed August 21, 2003; 10/759,576, filed January 16, 2004, which applications are directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 50-2319 (Matter No. 469249-00405; Docket No. A-72075/RMS/VEJ).

Respectfully submitted,

Date: 8/24/2004

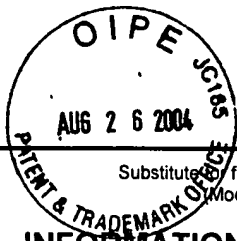
By: 
Victor E. Johnson, Reg. No. 41,546
/for/ Robin M. Silva, Reg. No. 38,304
Filed Under 37 C.F.R. § 1.34(a)

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DORSEY & WHITNEY LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989 Facsimile: (415) 398-3249

Attachments: Form PTO/SB/8A-B, Substitute for Form PTO-1449
International Search Report
161 cited references
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/762,931	
			Filing Date	January 21, 2004	
			First Named Inventor	HEINER, David	
			Art Unit	1764	
			Examiner Name	To Be Assigned	
Sheet	1	of	13	Attorney Docket Number	A-72075/RMS/VEJ (469249-00405)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	3,586,484	06-22-1971	Anderson II, et al.	
	A2	3,748,975	07-31-1973	Tarabocchia	
	A3	4,200,110	04-29-1980	Peterson et al.	
	A4	4,448,485	05-15-1984	Bergman et al.	
	A5	4,499,052	02-12-1985	Fulwyler	
	A6	4,682,895	07-28-1987	Costello	
	A7	4,721,769	01-26-1988	Rubner	
	A8	4,729,949	03-08-1988	Weinreb et al.	
	A9	4,772,540	09-20-1988	Deutsch et al.	
	A10	4,785,814	11-22-1988	Kane	
	A11	4,822,746	04-18-1989	Walt	
	A12	4,824,789	04-25-1989	Yafuso et al.	
	A13	4,842,783	06-27-1989	Blaylock	
	A14	4,868,130	09-19-1989	Hargeaves	
	A15	4,879,097	11-07-1989	Whitehead et al.	
	A16	4,894,343	01-16-1990	Tanaka et al.	
	A17	4,895,805	01-23-1990	Sato et al.	
	A18	4,981,783	01-01-1991	Augenlicht	
	A19	4,999,306	03-12-1991	Yafuso et al.	
	A20	5,002,867	03-26-1991	Macevicz	
	A21	5,015,843	05-14-1991	Seitz et al.	
	A22	5,019,350	05-25-1991	Rhum et al.	
	A23	5,026,599	06-25-1991	Koskenmaki	
	A24	5,061,336	10-29-1991	Soane	
	A25	5,071,531	12-10-1991	Soane	
	A26	5,105,305	04-14-1992	Betzig et al.	
	A27	5,110,745	05-05-1992	Kricka et al.	
	A28	5,132,242	07-21-1992	Cheung	
	A29	5,135,627	08-04-1992	soane	
	A30	5,143,853	09-01-1992	Walt	
	A31	5,152,287	10-06-1992	Kane	
	A32	5,176,881	01-05-1993	Sepaniak et al.	
	A33	5,177,012	01-05-1993	Kim et al.	
	A34	5,185,178	02-09-1993	Koskenmaki	
	A35	5,185,243	02-09-1993	Ullman et al.	

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10762,931	
			Filing Date	January 21, 2004	
			First Named Inventor	HEINER, David	
			Art Unit	1764	
			Examiner Name	To Be Assigned	
Sheet	2	of	13	Attorney Docket Number	A-72075/RMS/VEJ (469249-00405)

U.S. PATENT DOCUMENTS					
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	A36	5,194,300	03-16-1993	Cheung	
	A37	5,222,092	06-22-1996	Hench et al.	
	A38	5,244,636	09-14-1993	Walt et al.	
	A39	5,244,813	09-14-1993	Walt et al.	
	A40	5,250,264	10-05-1993	Walt et al.	
	A41	5,252,494	12-21-1993	Weinreb et al.	
	A42	5,296,375	03-22-1994	Kricka et al.	
	A43	5,298,741	03-29-1994	Walt et al.	
	A44	5,302,509	04-12-1994	Cheeseman	
	A45	5,304,487	04-19-1994	Wilding et al.	
	A46	5,308,771	05-03-1994	Zhou et al.	
	A47	5,310,674	05-10-1994	Weinreb et al.	
	A48	5,320,814	06-14-1994	Walt et al.	
	A49	5,338,831	08-16-1994	Lebl et al.	
	A50	5,342,585	08-30-1994	Lebl et al.	
	A51	5,342,737	08-30-1994	Georger, Jr., et al.	
	A52	5,357,590	10-18-1994	Auracher	
	A53	5,481,629	01-02-1996	Tabuchi	
	A54	5,486,335	01-23-1996	Wilding et al.	
	A55	5,494,798	02-27-1996	Gerd et al.	
	A56	5,496,997	03-05-1996	Pope	
	A57	5,498,392	03-12-1996	Wilding et al.	
	A58	5,506,141	04-09-1996	Weinreb et al.	
	A59	5,512,490	04-30-1996	Walt et al.	
	A60	5,516,635	05-14-1996	Ekins et al.	
	A61	5,518,863	05-21-1996	Pawluczyk	
	A62	5,537,000	07-16-1996	Alivisatos et al.	
	A63	5,541,311	07-30-1996	Dahlberg et al.	
	A64	5,545,531	08-13-1996	Rava et al.	
	A65	5,554,516	09-10-1996	Kacian et al.	
	A66	5,585,069	12-17-1996	Zanzucchi et al.	
	A67	5,587,128	12-24-1996	Wilding et al.	
	A68	5,589,351	12-31-1996	Harootunian	
	A69	5,593,838	01-14-1997	Zanzucchi et al.	

Examiner Signature	Date Considered
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<p>Substitute for form 1449A/PTO (Modified)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>			Complete if Known		
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			Examiner Name	To Be Assigned	
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U.S. PATENT DOCUMENTS					
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	A70	5,595,915	01-21-1997	Geysan	
	A71	5,603,351	02-18-1997	Cherukuri et al.	
	A72	5,604,097	02-18-1997	Brenner	
	A73	5,610,287	03-11-1997	Nikiforov	
	A74	5,631,170	05-20-1997	Attridge	
	A75	5,631,337	05-20-1997	Sassi et al.	
	A76	5,632,876	05-27-1997	Zanzucchi et al.	
	A77	5,632,957	05-27-1997	Heller et al.	
	A78	5,633,972	05-27-1997	Wilding et al.	
	A79	5,637,469	06-10-1997	Wilding et al.	
	A80	5,639,603	06-17-1997	Dower et al.	
	A81	5,640,234	06-17-1997	Roth et al.	
	A82	5,643,738	07-01-1997	Zanzucchi et al.	
	A83	5,647,030	07-08-1997	Jorgensen et al.	
	A84	5,649,576	07-22-1997	Kirk et al.	
	A85	5,656,241	08-12-1997	Seifert et al.	
	A86	5,656,815	08-12-1997	Justus et al.	
	A87	5,671,303	09-23-1997	Shieh et al.	
	A88	5,674,698	10-07-1997	Zarling	
	A89	5,677,196	10-14-1997	Herron et al.	
	A90	5,681,484	10-28-1997	Zanzucchi et al.	
	A91	5,690,894	11-25-1997	Pinkel et al.	
	A92	5,702,915	12-30-1997	Miyamoto	
	A93	5,714,330	02-03-1998	Brenner et al.	
	A94	5,726,026	03-10-1998	Wilding et al.	
	A95	5,747,169	05-05-1998	Fan et al.	
	A96	5,747,180	05-05-1998	Miller et al.	
	A97	5,750,015	05-12-1998	Soane et al.	
	A98	5,751,018	05-12-1998	Alivisatos et al.	
	A99	5,755,942	05-26-1998	Zanzucchi et al.	
	A100	5,763,175	06-09-1998	Brenner	
	A101	5,770,029	06-23-1998	Nelson et al.	
	A102	5,770,157	06-23-1998	Cargill	
	A103	5,780,231	07-14-1998	Brenner	
	A104	5,795,714	08-18-1998	Cantor et al.	

Examiner Signature	Date Considered
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	A105	5,795,716	08-18-1998	Chee et al.	
	A106	5,814,524	09-29-1998	Walt et al.	
	A107	5,830,711	11-03-1998	Barany et al.	
	A108	5,837,196	11-17-1998	Pinkel et al.	
	A109	5,840,256	11-24-1998	Demers et al.	
	A110 *	5,843,655	12-01-1998	McGall	
	A111	5,846,842	12-08-1998	Herron et al.	
	A112	5,849,215	12-15-1998	Gin et al.	
	A113	5,854,033	12-29-1998	Lizardi	
	A114	5,854,684	12-29-1998	Stabile et al.	
	A115	5,856,083	01-05-1999	Chelsky et al.	
	A116	5,858,732	01-05-1999	Solomon et al.	
	A117	5,863,708	01-26-1999	Zanzucchi et al.	
	A118	5,863,722	01-26-1999	Brenner	
	A119	5,866,331	02-02-1999	Singer et al.	
	A120	5,874,219	02-23-1999	Rava et al.	
	A121	5,876,924	03-02-1999	Zhang et al.	
	A122	5,881,200	03-09-1999	Burt	
	A123	5,888,885	03-30-1999	Xie	
	A124	5,900,481	05-04-1999	Lough et al.	
	A125	6,005,707	12-21-1999	Berggren et al.	
	A126	6,008,892	12-28-1999	Kain et al.	
	A127	6,023,540	02-08-2000	Walt et al.	
	A128	6,027,889	02-22-2000	Barany et al.	
	A129	6,037,186	03-14-2000	Stimpsom	
	A130	6,039,894	03-21-2000	Sanjurjo et al.	
	A131	6,045,760	04-04-2000	Aizawa et al.	
	A132	6,051,380	04-18-2000	Sosnowski et al.	
	A133	6,054,564	04-25-2000	Barany et al.	
	A134	6,071,748	06-06-2000	Modin et al.	
	A135	6,074,754	06-13-2000	Jacobson et al.	
	A136	6,083,763	07-04-2000	Balch	
	A137	6,087,114	07-11-2000	Rider	

Examiner Signature	Date Considered
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	A138	6,090,549	07-18-2000	Mirzabekov et al.	
	A139	6,096,496	08-01-2000	Frankel	
	A140	6,100,973	08-08-2000	Lawandy	
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	B1	EP 0 039 888 B1	11-18-1981	Schloemann Siemens AG		
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			Application Number	10762,931	
			Filing Date	January 21, 2004	
			First Named Inventor	HEINER, David	
			Art Unit	1764	
			Examiner Name	To Be Assigned	
Sheet	6	of	13	Attorney Docket Number	A-72075/RMS/VEJ (469249-00405)

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			First Named Inventor	HEINER, David	
			Art Unit	1764	
			Examiner Name	To Be Assigned	
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			Filing Date	January 21, 2004	
			First Named Inventor	HEINER, David	
			Art Unit	1764	
			Examiner Name	To Be Assigned	
Sheet	11	of	13	Attorney Docket Number	A-72075/RMS/VEJ (469249-00405)

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	C60	MICHAEL, K., et al., "Fabrication of Micro- and Nanostructures Using Optical Imaging Fibers and Their Use as Chemical Sensors," <i>Proc. 3rd Intl. Symp., Microstructures Microfabricated Sys.</i> , (Hersketh, P.J., et al. (eds.), <i>Electrochem. Soc.</i> 97(5):152-157 (Aug. 1997).	
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	C79	PLUNKETT, M., et al., "Combinatorial chemistry and new drugs," <i>Sci. Am.</i> 276(4):69-73 (Apr. 1997).	
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